

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARKUS LEVERT et al.,

Plaintiffs,

vs.

TRUMP RUFFIN TOWER I, LLC et al.,

Defendants.

2:14-cv-01009-RCJ-CWH

ORDER

Plaintiffs sued Defendants in state court, alleging violations of federal and state labor laws. Defendants removed. Plaintiffs amended. Defendants moved to dismiss the Amended Complaint. The Court dismissed the federal claims, with leave to amend within thirty days, and declined supplemental jurisdiction over the state law claims but did not sever and remand those claims at that time. Plaintiffs have not timely amended and have asked the Court to remand the state law claims. Defendants have responded by asking the Court to dismiss the entire case without prejudice, noting that the Court indicated it would do so if Plaintiffs failed to amend.

Although the Court previously warned that failure to amend could result in dismissal without prejudice without further notice, Plaintiffs have now asked the Court to remand. There is no reason to dismiss and require Plaintiffs to refile the same case in state court. The Court

dismisses the federal claims for failure to prosecute. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Preservation Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005). The Court declines jurisdiction over the state law claims and remand them. *See* 28 U.S.C. § 1367(c)(3).

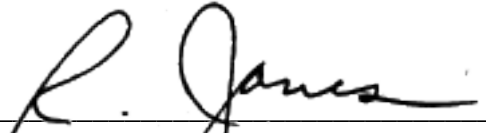
CONCLUSION

IT IS HEREBY ORDERED that the first and second claims under 29 U.S.C. § 201 *et seq.* are DISMISSED with prejudice.

IT IS FURTHER ORDERED that the Motion to Remand (ECF No. 38) is GRANTED, and the third and fourth claims are REMANDED to the Eighth Judicial District Court (Clark County, Nevada).

IT IS SO ORDERED.

Dated: This 25th day of March, 2015.



ROBERT C. JONES
United States District Judge